

Attorney Docket: 112.P55011

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CENTRAL FAX CENTER****AUG 10 2007*****REMARKS***

This response is a full and complete response to the Office action mailed May 7, 2007. In the present Office action, the Examiner has noted that claims 1, 2, and 4-25 are pending and stand rejected.

The assignee has amended claims 15 and 20 and added new claims 26-28. Support for these claim amendments may be found, for example, in claim 1 and FIGS. 3 and 4A. No new matter has been added.

In view of both the amendments presented above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. By this response, reconsideration of the present application is respectfully requested.

Informalities

Assignee, after reviewing this application's prosecution history, notices that two Responses to a single Office Action have been filed. In detail, an Office Action was mailed on September 26, 2005. A first Response to this Office Action was filed on December 27, 2005. A second Response, which does not recognize the first Response, was filed on January 25, 2006. In subsequent prosecution, it appears that the second Response has been ignored and inconsequential. Thus the assignee requests that the Response filed January 25, 2006 be expunged/removed from this application's record.

Specification

Assignee amends the Specification to correct grammatical and spelling errors. No new matter has been added.

Examiner Interview

Assignee thanks Examiner Safaipour for his time during the telephone interview on July 23, 2007 with Brian Wichner, representing the assignee. In the interview, Brian Wichner explained some novel concepts and limitations of the application and compared them to Lu, U.S. Patent No. 6,046,826. Examiner Safaipour noted that he does not understand how aperture 420 of Lu is between upper surface 41 and the light-emitting element 40, as asserted by the previous Examiner in the Response to Arguments, page 2 of the May 7, 2007 Office Action.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-2, 4-5, 7-8, 11, and 13-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Lu, U.S. Patent No. 6,046,826.

The Examiner is reminded that to successfully make a prima facie rejection under 35 USC § 103, the Examiner must show that Assignee's claimed subject matter would have been obvious to one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See *KSR International, Co. v. Teleflex, Inc.*, 550 U.S. ____ (decided April 30, 2007). Some of the factors to consider in this analysis include the differences between the applied documents and Assignee's claimed subject matter, along with the level of skill associated with one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See USPTO Memo entitled "Supreme Court decision on *KSR Int'l. Co., v. Teleflex, Inc.*," (May 3, 2007). One way in which an Examiner may establish a prima facie case of unpatentability under 35 USC § 103 would be to show that three basic criteria have been met. First, the Examiner should show that the applied documents, alone or in combination, disclose or suggest every element of Assignee's claimed subject matter. Second, the Examiner should show that there is a reasonable expectation of success from the proposed combination. Finally, the Examiner should show that there was some suggestion or motivation, either in the applied documents themselves or in the knowledge generally available to one of ordinary skill in the art pertinent to the claimed subject matter at the relevant time, to modify the document(s) or to combine document teachings. The motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be based on Assignee's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); See MPEP § 2142; 2143 - § 2143.03 (regarding decisions pertinent to each of these criteria). It is respectfully asserted that the Examiner has not met these standards.

The Examiner rejects claims 1 and 20 under 35 U.S.C. § 103(a) by asserting that AAPA teaches an apparatus that includes elements set forth in claim 1, except that AAPA does not disclose an aperture formed on a first predetermined position on said reflective plate and positioned between the upper surface and the light-emitting element to decrease said reflected light on a portion of said first surface, as the Examiner states on page 3, line 3 of the May 7 Office Action.

The Examiner then contends that Lu teaches an aperture 420 formed on a first predetermined position on said reflective plate 45 and positioned between the upper surface 41 and the light-emitting element 40 to decrease said reflected light on a portion of said first surface. Assignee respectfully disagrees with the Examiner's assessment of Lu as applied here to claims 1 and 20. ***Lu's plate 45 is not positioned between the upper surface 41 and the light-emitting element 40***, as set forth in claims 1 and 20. On the contrary, the plate 45 is on one side of the light-emitting element 40 and the upper surface 41 is on the opposite side of the light-emitting element 40.

Because neither AAPA nor Lu disclose an aperture formed on a first predetermined position on said reflective plate and ***positioned between*** the upper surface and the light-emitting element to decrease said reflected light on a portion of said first surface, as set forth in each of claims 1 and 20, any combination of AAPA and Lu would not yield all of the limitations of each of claims 1 and 20. Therefore, assignee submits that claims 1 and 20 are patently distinguishable over AAPA and Lu.

Claim 15 recites a reflective plate that includes at least one aperture, a light-emitting element, and a scanning platform, wherein the light-emitting element is between the reflective plate and the scanning platform. AAPA teaches a scanning platform, but fails to disclose a reflective plate that includes at least one aperture, wherein the light-emitting element is between the reflective plate and the scanning platform. Lu also does not teach ***wherein the light-emitting element is between the reflective plate and the scanning platform***, as set forth in claim 15.

Because neither AAPA nor Lu disclose a reflective plate that includes at least one aperture, a light-emitting element, and a scanning platform, wherein the light-emitting element is between the reflective plate and the scanning platform, as set forth in claim 15, any combination of AAPA and Lu would not yield all of the limitations of claim 15.

In summary, claims 1, 15, and 20, and the claims that depend from them, are patently distinguishable over AAPA and Lu. The Assignee respectfully requests that the rejection under 35 U.S.C. § 103(a) of the pending claims 1, 2, and 4-25 be withdrawn.

Claim 6 is rejected under 35 U.S.C. § 103(a) over Applicant's Admitted Prior Art (AAPA) in view of Lu and Nakamura (JP 10-197969A).

Claims 9-10 are rejected under 35 U.S.C. § 103(a) over Applicant's Admitted Prior Art (AAPA) in view of Lu and Kito et al., U.S. Patent No. 6,864,998.

Claim 25 is rejected under 35 U.S.C. § 103(a) over Applicant's Admitted Prior Art (AAPA) in view of Lu and Nakamichi, U.S. Patent No. 6,785,898.

Claims 6, 9, 10, and 25 are patentably distinguishable over the cited information for at least the reason that claims 6, 9, 10, and 25 depend from claims 1 and 20, which assignee has explained above are themselves patentably distinguishable over AAPA and Lu.

Claims 26-28 are patentably distinguishable over the cited information for at least the reason that these new claims include limitations of claims 1 and 20 that are patentably distinguishable over AAPA and Lu, as explained above.

It is noted that claimed subject matter may be patentably distinguished from the applied documents for additional reasons; however, the foregoing is believed to be sufficient to overcome the Examiner's rejections discussed above.

Further, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions since the Examiner's other positions are believed to be moot in light of the foregoing.

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In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

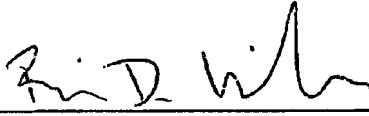
If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Brian D. Wichner at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3703.

Respectfully submitted,

Dated: 8-10-07

By



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